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#### List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: October 20, 1995.  
Carol M. Browner,  
*Administrator.*

For the reasons set out in the preamble, it is proposed to amend part 86 of title 40 of the Code of Federal Regulations as follows:

#### **PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES**

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

#### **Subpart A—[Amended]**

2. Section 86.094–17 is amended by revising paragraph (j) to read as follows:

#### **§ 86.094–17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.**

\* \* \* \* \*

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code section 1968.1), as modified pursuant to California Mail Out #95–03 (January 19, 1995), shall satisfy the requirements of this section through the 1998 model year except that compliance with Title 13 California Code section 1968.1(d), pertaining to tampering protection, is not required to satisfy the requirements of this section.

[FR Doc. 95–27070 Filed 10–31–95; 8:45 am]

BILLING CODE 6560–50–P

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

#### **44 CFR Part 67**

[Docket No. FEMA–7157]

#### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646–2756.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to

meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

#### **National Environmental Policy Act**

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### **Regulatory Flexibility Act**

The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

#### **Regulatory Classification**

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### **Executive Order 12612, Federalism**

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### **Executive Order 12778, Civil Justice Reform**

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

#### **List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

#### **PART 67—[AMENDED]**

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### **§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
California .....	San Joaquin County. (Unincorporated Areas).	Bear Creek (Overflow north of Bear Creek).	West of Union Pacific Railroad and south of Pixley Slough.	None	*19
			Just east of Southern Pacific Railroad .....	None	*36
			Just east of State Highway 99 .....	None	*42
			Just east of Alpine Road .....	None	*55
			4,000 feet downstream from Jack Tone Road.	None	*83
		Bear Creek (Channel) .....	At Kettleman Lane .....	*75	*77
			At Jack Tone Road .....	*88	*88
			Just downstream of Tully Road .....	None	*96
		Bear Creek (Overflow south of Bear Creek).	Just east of Thornton Road .....	None	*12
			Just east of Union Pacific Railroad .....	None	*22
			Just east of State Highway 99 and north of Eightmile Road.	None	*39
			Above confluence of Mosher Creek .....	None	*60
			At Sargent Road Tributary .....	None	*85
		Paddy Creek (Overflow from West Bank).	At confluence with Bear Creek .....	*71	*73
			At confluence of Middle Paddy Creek .....	None	*76
			Just downstream of Sargent Road .....	None	*89
		Paddy Creek (Overflow from East Bank).	At confluence with Bear Creek .....	None	*67
			Above confluence of South Paddy Creek	*73	*73
			Above confluence of Middle Paddy Creek	None	*78
		Middle Paddy Creek (Overflow from South Bank).	Just south of Sargent Road .....	None	*90
			At confluence with Paddy Creek .....	None	#1
		South Paddy Creek (Overflow from South Bank).	At confluence with Paddy Creek .....	None	*69
		Stockton Diversion Canal (Overflow from North Bank).	At confluence with Calaveras River .....	*29	*28
			Just east of State Highway 99 .....	#1	*32
			Just east of State Highway 88 .....	*34	*33
		Mormon Slough (Overflow from North Bank).	At Copperopolis Road .....	None	*41
			At divergence of Stockton Diverting Canal.	None	*41
			Approximately 6,000 feet upstream of Copperopolis Road Crossing of Diverting Canal.	None	*45
		Mormon Slough (Overflow from South Bank).	1,000 feet south of Flood Road .....	None	*95
			At Southern Pacific Railroad .....	None	*83
			At Milton Road .....	None	*85
		Potter Creek A (Overflow from South Bank).	1,500 feet downstream of Flood Road .....	None	*97
			Upstream of Southern Pacific Railroad .....	None	*89
			Just downstream of Milton Road .....	None	*90
		Potter Creek A (Channel and South Bank Overflow).	Just north of Milton Road .....	None	*92
			Just upstream of Fine Avenue .....	None	*104
			Just north of Milton Road .....	#1	*85
		Potter Creek B (Overflow from North Bank).	Approximately 3,000 feet west of Fine Avenue.	None	*99
			Just west of Fine Avenue .....	None	*102
			At Milton Road .....	None	*87
		Potter Creek B (Overflow from South Bank).	Just west of Fine Avenue .....	None	*102
		Potter Creek B (Main Channel and both Overbanks).	Approximately 1,500 feet east of Fine Avenue.	None	*105

Maps are available for inspection at San Joaquin County Flood Control and Water Conservation District, 1810 East Hazelton Avenue, Stockton, California.

Send comments to The Honorable David Baker, County Administrator, San Joaquin County Courthouse, 222 East Weber Avenue, Stockton, California 95202.

	Stockton (City) .....	Bear Creek (Overflow between Bear Creek and Mosher Creek).	Just east of Interstate Highway 5 .....	None	*12
			Just east of Western Pacific Railroad .....	None	*22
			Just east of West Lane .....	None	*23
			East of Southern Pacific Railroad and north of Morada Lane.	None	*30
		Mosher Creek (Overflow from South Bank).	Just west of State Highway 99 .....	None	*35
			East of Western Pacific Railroad and west of West Lane.	None	*22

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified

Maps are available for inspection at Community Development Department/Building Department, City of Stockton, 345 North El Dorado Street, Stockton, California 95202.

Send comments to The Honorable Joan Darrah, Mayor, City of Stockton, Office of the City Council, City Hall, 425 North El Dorado Street, Stockton, California 95202.

Louisiana .....	St. Mary Parish (Unincorporated Areas).	Lower Atchafalaya (Berwick Bay).	Approximately 11,880 feet downstream of the Southern Pacific Railroad.	*10	*10
			Approximately 10,820 feet upstream of the Southern Pacific Railroad.	*12	*12
		Ponding Areas .....	Ponding area west of the City of Patterson, from north of the Southern Pacific Railroad to Bayou Teche.	*3	*1.5
			Ponding area west of the Town of Berwick, from north of the Southern Pacific Railroad to Bayou Teche.	*3	*1.5
			Ponding area south of the Southern Pacific Railroad, north of the southern portion of levee ring.	*1.5	*1.5

Maps are available for inspection at the St. Mary Parish Courthouse, 500 Main Street, Fifth Floor, Franklin, Louisiana.

Send comments to The Honorable Connie M. Fournet, St. Mary Parish Judge, St. Mary Parish Government, 500 Main Street, Fifth Floor, Courthouse, Franklin, Louisiana 70538.

New Mexico .....	Bosque Farms (Village). Valencia County ....	Rio Grande (East Overbank).	Approximately 4,200 feet downstream of South Bosque Loop.	*4,857	*4,857
			Approximately 200 feet downstream of Esperanza Road.	*4,864	*4,864
			Approximately 2,500 feet upstream of North Bosque Loop.	*4,871	*4,870

Maps are available for inspection at Village Hall, 1455 West Bosque Farms, Bosque Farms, New Mexico.

Send comments to The Honorable Carl Allen, Mayor, Village of Bosque Farms, P.O. Box 660, Peralta, New Mexico 87042.

New Mexico .....	Los Lunas (Village) Valencia County ....	Rio Grande (East Overbank).	Approximately 1,000 feet downstream of the State Highway 49 bridge.	None	*4,844
			Approximately 500 feet upstream of Lujan Street.	None	*4,846
			Approximately 4,500 feet upstream of Lujan Street.	None	*4,851
		Rio Grande (West Overbank).	Approximately 250 feet downstream of Castillo Street.	None	*4,842
			East Main Street at State Highway 49 .....	None	*4,851
			Approximately 1,000 feet upstream of Griego Road.	None	*4,861
		Rio Grande (Main Channel).	At State Highway 49 .....	None	*4,852

Maps are available for inspection at City Hall, 660 Main Street, Los Lunas, New Mexico.

Send comments to The Honorable Louis F. Huning, Mayor, Village of Los Lunas, P.O. Box 1209, Los Lunas, New Mexico 87031.

New Mexico .....	Valencia County (Unincorporated Areas).	Rio Grande (Main Channel).	Approximately 20,200 feet downstream of State Highway 49.	None	*4,833
			Approximately 100 feet upstream of State Highway 49.	None	*4,852
			Approximately 10,000 feet upstream of State Highway 49.	*4,860	*4,861
			Approximately 25,000 feet upstream of State Highway 49.	*4,873	*4,874
		Rio Grande (East Overbank).	Approximately 28,200 feet upstream of State Highway 49.	None	*4,876
			Approximately 2,400 feet downstream of White House Road.	None	*4,829
			Approximately 2,000 feet upstream of White House Road.	*4,836	*4,834
			At State Highway 49 .....	*4,849	*4,845
			Approximately 3,300 feet upstream of Peralta Boulevard.	*4,864	*4,862
			Approximately 12,000 feet upstream of Peralta Boulevard.	None	*4,871

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
		Rio Grande (West Overbank).	At Cordova Road .....	None	*4,833
			At State Highway 49 .....	None	*4,851
			Approximately 24,000 feet upstream of State Highway 49.	None	*4,873

Maps are available for inspection at 444 Luna Avenue, Los Lunas, New Mexico.

Send comments to Mr. Paul H. Gabaldon, County Manager, Valencia County, P.O. Box 1119, Los Lunas, New Mexico 87031.

Oklahoma .....	Noble County ..... (Unincorporated Areas).	Cow Creek .....	Approximately 5,400 feet downstream of the Atchison, Topeka and Santa Fe Railroad.	None	*968
			Just upstream of the Atchison, Topeka and Santa Fe Railroad.	None	*974
			Approximately 6,600 feet upstream of confluence of Calf Creek.	None	*1,001
		Golf Course Tributary .....	Approximately 3,700 feet downstream of U.S. Route 77.	None	*972
			At Seventh Street .....	None	*992
			Just downstream of 15th Street .....	None	*1,017
			Just upstream of 15th Street .....	None	*1,023
		Golf Course Lake Tributary.	Approximately 500 feet downstream of Quail Creek Road.	None	*995
			Approximately 300 feet upstream of Quail Creek Road.	None	*1,001
		Wills Lake Tributary .....	Approximately 1,200 feet downstream of U.S. Route 64.	None	*977
			At U.S. Route 64 .....	None	*987
		Unnamed Tributary to Cow Creek.	Approximately 2,600 feet downstream of Interstate Route 88.	None	*988
			Approximately 1,000 feet upstream of Interstate Route 88.	None	*1,008

Maps are available for inspection at 300 Courthouse Drive, Perry, Oklahoma.

Send comments to The Honorable Jim Lemon, Chairman, Noble County Board of Commissioners, P.O. Box 409, Perry, Oklahoma 73077.

Oklahoma .....	Perry (City) ..... Noble County .....	Cow Creek .....	Just upstream of Ivanhoe Street at corporate limits.	None	*978
			Just downstream of U.S. Highway 64 .....	None	*980
			Just downstream of Cedar Street .....	None	*984
			At confluence with South of Highway 77 Tributary.	None	*992
		Calf Creek .....	At southernmost corporate limits .....	None	*996
			At confluence with Cow Creek .....	None	*989
			Just upstream of Cedar Street .....	None	*1,018
			Just upstream of 15th Street .....	None	*1,020
			Just upstream of 25th Street .....	None	*1,047
			Just upstream of St. Louis-San Francisco Railroad.	None	*1,063
		Cherokee Strip Tributary ..	Just upstream of Interstate Highway 35 ..	None	*1,083
			At confluence with Calf Creek .....	None	*1,048
			Just upstream of U.S. Highway 64 .....	None	*1,049
			Just upstream of Interstate Highway 35 ..	None	*1,090
		Ditch Witch Tributary .....	At confluence with Calf Creek .....	None	*1,029
			Just upstream of U.S. Highway 64 .....	None	*1,032
		South of Highway 77 Tributary.	At confluence with Cow Creek .....	None	*992
			Just upstream of the Atchison, Topeka and Santa Fe Railroad at corporate limits.	None	*998
		Unnamed Tributary A of Calf Creek.	At confluence with Calf Creek .....	None	*1,023
			Just upstream of St. Louis-San Francisco Railroad.	None	*1,023
		Unnamed Tributary B of Calf Creek.	At confluence with Calf Creek .....	None	*1,025
			Approximately 2,000 feet upstream of confluence with Calf Creek.	None	*1,035
			Just upstream of St. Louis-San Francisco Railroad.	None	*1,052
		Unnamed Tributary C of Calf Creek.	At confluence with Calf Creek .....	None	*1,024
			Just upstream of St. Louis-San Francisco Railroad.	None	*1,027
		Leo Park Tributary .....	At confluence with Cow Creek .....	None	*984

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
			Just upstream of Cedar Street .....	None	*988
			Approximately 1,200 feet upstream of Cedar Street.	None	*990
		Golf Course Tributary .....	Just upstream of easternmost corporate limits.	None	*973
			Just upstream of U.S. Route 77 .....	None	*980
			Just upstream of Seventh Street .....	None	*992
			Just downstream of 15th Street .....	None	*1,018
		Golf Course Lake Tributary.	At confluence with Golf Course Tributary	None	*995
		Brookwood Park Tributary	Just upstream of Quail Creek Road .....	None	*1,001
			At confluence with Golf Course Tributary	None	*978
			Just upstream of U.S. Route 77 .....	None	*997
			Just upstream of Seventh Street .....	None	*1,009
			Just upstream of Ninth Street .....	None	*1,019
		Wills Lake Tributary .....	Approximately 600 feet upstream of the confluence with Cow Creek.	None	*980
			Just downstream of U.S. Route 64 .....	None	*986

Maps are available for inspection at 732 Delaware, Perry, Oklahoma.

Send comments to The Honorable G. L. Hollingsworth, Mayor, City of Perry, 622 Cedar Street, Perry, Oklahoma 73077.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: October 24, 1995.

Richard T. Moore,

Associate Director for Mitigation.

[FR Doc. 95-27083 Filed 10-31-95; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

[WT Docket No. 95-157; RM-8643; FCC 95-426]

#### Plan for Sharing the Costs of Relocation

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission adopted a *Notice of Proposed Rule Making* ("Notice"), proposing a plan for sharing the costs of relocating microwave facilities operating in the 1850 to 1990 MHz ("2 GHz") band. The Commission's proposal would establish a system whereby Personal Communications Services ("PCS") licensees that incur costs to relocate microwave links outside of their assigned licensing areas or spectrum blocks would receive reimbursement for a portion of those costs from other PCS licensees that benefit from the resulting clearance of the spectrum. In addition to cost-sharing issues, the Commission asks for comment on whether to clarify certain other aspects of the Commission's microwave relocation

rules. Specifically, the Commission seeks comment on whether to clarify the definition of "good faith" negotiations, which are required during the mandatory negotiation period; whether to clarify the definition of "comparable" facilities, which must be provided to microwave incumbents by PCS licensees who seek involuntary relocation; whether to clarify the rules that allow relocated microwave licensees a 12-month trial period to ensure their new facilities are comparable; whether to continue to grant microwave applications for primary status in the 2 GHz band; and whether to place a time limit on a PCS licensee's obligation to provide comparable facilities. Also, the Commission stated that, as of the date the *Notice* was adopted, it would grant primary status applications only for minor modifications that would not add to the relocation costs of PCS licensees.

**DATES:** Comments must be filed on or before November 30, 1995, and reply comments must be filed on or before December 21, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Linda I. Kinney, (202) 418-0620, Wireless Telecommunications Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Notice*, adopted on October 12, 1995, and released on October 13, 1995. The complete text of this *Notice* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street NW., Washington,

D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037.

#### I. Background

In the *First Report and Order and Third Notice of Proposed Rule Making* in ET Docket No. 92-9, 57 FR 49020 (October 29, 1992) ("*ET First Report and Order*"), the Commission reallocated the 1850-1990, 2110-2150, and 2160-2200 MHz bands from private and common carrier fixed microwave services to emerging technology services. The Commission also established procedures for 2 GHz microwave incumbents to be cleared off of emerging technology spectrum and relocated to available frequencies in higher bands. The *ET First Report and Order* set forth a regulatory framework that encourages incumbents to negotiate voluntary relocation agreements with emerging technology licensees or manufacturers of unlicensed devices when frequencies used by the incumbent are needed to implement the emerging technology. The *ET First Report and Order* also stated that, should voluntary relocation negotiations fail, the emerging technology licensee could request mandatory relocation of the existing facility, provided that the emerging technology service provider pays the cost of relocating the incumbent to a comparable facility.

In the Commission's 1993 *Third Report and Order and Memorandum Opinion and Order* in ET Docket No. 92-9, 58 FR 46547 (September 2, 1993) ("*ET Third Report and Order*"), as